

REMARKS

Claims 1-7 and 11-14 are pending in the application. Claims 1-7 and 11-14 stand rejected in the referenced office action.

The specifications have been amended to identify in writing to feature of the invention that is clearly seen in the figures.

The claims have been amended to replace intended use language. Claim 5 has been amended to correct an antecedent problem.

No new matter has been added by the amendments. The Examiner's objections and rejections are addressed below in substantially the same order as in the referenced office action.

OBJECTION TO THE SPECIFICATIONS

The examined has objected to the specification for failing to provide an antecedent basis for the amendments made in claims 1 and 5. The specifications have been amended to identify the claimed subject matter in the drawings of the application.

OBJECTIONS TO THE CLAIMS

The Examiner has objected to claim 5 for lack of an antecedent. Claim 5 has been amended to address this objection.

REJECTIONS UNDER 35 USC § 102

Claims 11-12 are rejected under 35 USC § 102(b) as being anticipated by *Holland* (US 5,991,920).

The Examiner is asserting that all the elements of independent claim 11 are disclosed in *Holland*. Applicant respectfully disagrees and requests that the Examiner pay attention to the following element of the claim: “a **single** fastener which detachably couples the **rear** end of the body to said loop” (emphasis added). What is clearly disclosed in *Holland* are a **pair** of fasteners, each labeled as **7**.

Applicant further notes that the fasteners **7** are clearly identified in *Holland* as being used for coupling the **front** end of the body to the **loop**. Claim 11 specifies the use of a single fastener the couple the **rear** end of the body to the loop.

In order for a claimed invention to be anticipated by a prior art reference under 35 USC § 102, the prior art reference must disclose each and every element of the claim arranged as in the claim. This is clearly lacking in the present case as at least two of the claimed elements of claim 11 are not disclosed in *Holland*. Accordingly, applicant respectfully submits that claim 11 and claim 12 that depend upon claim 11 are patentable under 35 USC § 102 over *Holland*.

In addition, there is no teaching or suggestion in *Holland* or the prior art of record of having a swimsuit that includes a single fastening device that couples the rear part of a swimsuit body to a loop. Accordingly, applicant further submits that claim 11 and claim

12 that depend upon claim 11 are also patentable under 35 USC § 103 over *Holland* and the prior art of record.

Claims 1, 2 and 5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Hall* (US5,664,257).

The Examiner alleges that *Hall*, in figures 1-6 and 7, discloses a storage compartment for compactly stowing the body. The antecedent for "body" in claim 1(c) is the "swimsuit body." A review of *Hall* shows **no teaching or suggestion** of a compartment in which the **body of the garment can be stowed**.

The only references to storing in *Hall* are "Additionally, the body portion 18 and the zipper seam 20 are in their closed position, thus forming a cavity in which **personal items may be stored**." See **col. 2 lines 58-60**. See also "**summary of the invention**." There is no teaching or suggestion in *Hall* of using the cavity storing the body of the garment itself.

Applicant further notes that claim 11 specifies a loop adapted to at least partially encircle a human waist. There is no teaching of such loop in *Hall*. What is disclosed is a loop that forms part of a bag, a hat (encircling a human head), and a halter top (encircling the chest). See **figures 1-6**.

In order for a claimed invention to be anticipated by a prior art reference under 35 USC § 102, the prior art reference must disclose each and every element of the claim

arranged as in the claim. This is clearly lacking in the present case as at least three of the claimed elements of claim 1 are not disclosed in *Hall*. Accordingly, applicant respectfully submits that claim 1 and claim 2-4 that depend upon claim 1 are patentable under 35 USC § 102 over *Hall*.

Additionally, claim 5 and claims 6 and 7 that depend upon claim 5 are also patentable under 35 USC § 102 over *Hall* for the same reasons that claim 1 is patentable under 35 USC § 102 over *Hall*.

REJECTION UNDER 35 U.S.C. § 103

Claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Holland*. As noted above in the discussion of the rejections under 35 U.S.C. § 102, the base claim (11) upon which claims 13 and 14 depend is patentable under 35 U.S.C. § 103 over *Holland*. Accordingly, applicant further submits that claims 13 and 14 are also patentable under 35 U.S.C. § 103 over *Holland* and the prior art of record.

Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) over *Hall*. As noted above, that is no basis for the Examiner's assertion that claim 1, the base claim for claims 3 and 4, provides a collapsible swimsuit as described in claim 1. Accordingly, applicant further submits that claims 3 and 4 are also patentable under 35 U.S.C. § 103 over *Hall* and the prior art of record.

For all the foregoing reasons, Applicant submits that the application is in a condition for allowance. A request for a one-month extension of time to respond to the office action accompanies this document. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. **13-0010 (HOL-1002CP)**.

Respectfully submitted,

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/K. P. Sriram/
Kaushik P. Sriram
Registration No. 43,150
Madan, Mossman & Sriram, P.C.
2603 Augusta, Suite 700
Houston, Texas 77057
Attorneys for the Applicant
Telephone: (713) 266-1130
Facsimile: (713) 266-8510